

# TCRPC CONSULTATION POLICY

## Regulatory Basis

Tri-County Regional Planning Commission is the Metropolitan Planning Organization (MPO) for the tri-county region. Metropolitan planning regulations in 23 CFR 450, 316 (b-e) establish requirements for consultation with agencies and officials affected by transportation policies in developing the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP). Consultation is also addressed in relation to the MTP in 23 CFR 450, 322 (g) (1-2) and in 23 CFR 450, 322 (f) (7) in relation to environmental mitigation. The regulations require that in developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies in their Metropolitan Planning Area. The TCRPC and its Policies and Procedures provide for this as described below:

- The TCRPC does, to the maximum extent practicable, consult with agencies and officials responsible for other planning activities that are affected by transportation or coordinate its planning process with such planning activities;
- The TCRPC considers other transportation services that are provided to recipients under 49 U.S.C. 53, 23 U.S.C. 204 and non-profit organizations that provide non-emergency transportation services with assistance from Federal agencies other than US DOT;
- And insomuch as the tri-county region includes Federal Tribal Lands and/or Federal Public Lands, the TCRPC appropriately involves the Indian Tribal Government(s) and/or land management agencies in development of TCRPC's MTP, also called the Long Range Transportation Plan(LRTP), the TIP, and other plans development.

The consultation provisions require TCRPC's planning partners to actively engage and consult with specific agencies to compare plans and data in developing the TIP and LRTP. Effective consultation requires early engagement, direct outreach, information sharing, plan comparison and evaluations to meet the Federal regulations.

## Roles and Responsibilities

Under this policy, staff, local agencies, and various committees are responsible for the minimum actions described below. Key decision points are noted with an asterisk in brackets [\*]. Nothing in this policy precludes staff from taking actions which are above and beyond the minimum actions outlined below. In adopting this policy, the Commission notes that there are no Indian tribal lands or governments or any land controlled by federal public land management agencies in the metropolitan area, which mitigates consultation requirements for those agencies.

Staff shall develop and maintain an active and current mailing list which specifically addresses all known agencies and organizations covered by the consultation requirements specified under 23 CFR 450 as it is or becomes amended, and, to the maximum extent practical, will consult with agencies and individuals in preparing the MTP and the TIP. [\*]

## Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP)

- 1) Consider all available future land use and economic development plans, maps and zoning maps for the municipalities/jurisdictions in the region in development of social-economic forecasts and travel models for the region using a geographic information system or other tools as may be appropriate. TCRPC will maintain a log documenting the dates of these most current plans, maps and ordinances as adopted by the other agencies and the date of the most recent contact made.

- 2) Provide copies of all draft base year and future population and employment forecast data to those on the mailing list (specified above) with a minimum of 28 days notice of the opportunity to comment.
- 3) Document comments considered and received in preparing final forecasts and final base year allocations prior to presenting these final figures to CARTS and the Commission for action. [\*]
- 4) In addition to public notices, all agencies or individuals in our mail list will be sent the consultation mail with a minimum 28 day advance notice and opportunity to submit proposed projects and/or plans for consideration in developing the Draft Metropolitan Transportation Plan and notifying them they will have additional opportunities for further consultation (formally or informally) throughout the plan update process.
- 5) Document and consider any materials submitted in response to the request under item 6 in the plan development process, including completing a documented active comparison to all plans submitted or collected.
- 6) At the point in development of the MTP when a draft project list has been developed for alternatives testing, and well in advance of (or prior) to the formal 28 day Commission public comment period on the Draft MTP, mail each agency and individual on that mailing list a copy of the proposed project list no less than 14 days in advance of a plan consultation meeting.
- 7) No less than 14 days after mailing said project lists, staff shall hold one consultation meeting with interested parties to review the proposed projects, the plan development process and the comparison to collected plans. Minutes and attendance records for this meeting shall be published in the Draft MTP along with identification of any concerns and any responses to any concerns raised.
- 8) When the Draft MTP is completed, a copy shall be posted on the TCRPC website and Notice of Availability shall be transmitted to each agency and individual on the mail list. This notice should generally correspond with the Commission's 28-day public availability period prior to Commission action, while recognizing reasonable time for mail or electronic distribution may reduce this period slightly. [\*]
- 9) Any comments or responses received prior to Commission action shall be made available or summarized for the Commission's consideration prior to their action on the Draft Plan. [\*]
- 10) Copies of all comments and communications received shall be published in the Final Adopted Plan along with a staff summary of the disposition and any staff or Commission responses to these comments if provided. [\*]
- 11) Staff will also document any additional consultation efforts conducted as part of the plan development and present those in the draft and final MTP, or in materials accompanying the draft, which are submitted to the Commission at plan adoption. [\*]

**Local Governments and Transportation Agencies shall** be responsible for conducting and documenting their own consultation processes relative to their proposed uses of federal funds and for specifically consulting with land use and economic development, resource agencies and

other organizations as specified under 23 CFR 450. This is because the obligation for consultation through the MPO process extends to its members and other participants, including recipients of federal transportation funds. Since it is the responsibility of the MPO to assure that consultation occurs, any local government or transportation agency submissions of project proposals [\*] shall accompany their submittal with a certification signed by their authorized representative affirming that they conducted the local consultation process with land use planning, economic development, resource agencies and other appropriate agencies or officials. Such certification shall be in a form acceptable to the Commission and may identify dates and organizations contacted, officials names, and an estimated schedule for further consultation during the plan and project development process.

**The Capital Area Regional Transportation Study Technical Advisory Committee (CARTS)** and their subcommittees and Task Forces are responsible for broad education of their own boards, policy officials and committees about MPO consultation requirements as they apply to their individual jurisdictions.

CARTS members are further charged to review each proposed project or program proposed/submitted to assure that certification is in place and is in substantial compliance with this local consultation requirement, or that an appropriate schedule for further consultation is identified. [\*]

The TCRPC (Commission) will certify its compliance with this consultation requirement at the time of MTP adoption[\*] and will conduct periodic review and evaluation of the effectiveness of its consultation policy, typically after each plan or TIP adoption. [\*]

#### Transportation Improvement Program (TIP)

For the Transportation Improvement Program, the staff and committees of the TCRPC will consult with, consider and document consultation, engagement, outreach and information sharing as described above.

#### Other Roles, Responsibilities, Schedules:

Consultation complements and implements the TCRPC's public involvement procedures in accord with the Tri-County Regional Planning Commission's Public Participation Plan as revised, amended, and adopted by the Commission most recently (July 2014). All those on the consultation mail list will also receive mailings or announcements of any additional opportunities for input under the Public Participation Plan.

To the extent feasible, maps and GIS files of various resources, plans, ordinances and other attributes will be compiled by staff in relation to MTP projects to further facilitate consultation by the stakeholder agencies and may be either (or both) published in the MTP, the MTP Supplement or on the Commission's website.

MTP and TIP projects shall be mapped in relation to GIS composites of the plans and zoning ordinances referred to in item 3 as to both facilitate and further document this active comparison of plans. Since these maps may not be conducive to publication because of their complexity and detail, copies will be made available via electronic means on the Commission's website.

During preparation of both the MTP and TIP, staff may conduct specific targeted outreach with representatives of resource agencies and other stakeholders to better inform them and involve them. Such outreach may include telephone calls, discussion at meetings (both formal and informal) or electronic communications. These types of outreach efforts should be documented

and published in the MTP and TIP with a summary of any comments, conclusions of actions and responses.

Staff may develop an interactive web-based or other electronic media to facilitate an active consultation process. Such a system might provide opportunities to review and comment and mark up materials which could further facilitate and document this active consultation process.

To the extent feasible, staff should coordinate internally concerning projects that may be in the MTP and TIP or the regional Comprehensive Economic Development Strategy (CEDS). Local agencies pursuing transportation economic development projects should consult with both TCRPC transportation staff and economic development staff before any such projects are included in the CEDS document, and such consultation should be documented.

The Commission will review and evaluate the effectiveness of this consultation policy as part of their annual action to adopt the TCRPC Operating Policies and Procedures and refer results or recommendations to staff, CARTS and the Executive Committee members for consideration.